

DOCKET FILE COPY ORIGINAL

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

SEP 13 2004

In the Matter of )  
 )  
Amendment of Section 73.202 )  
Table of Allotments, )  
FM Broadcast Stations. )  
(Thief River Falls, MN and )  
Fisher, MN) )

Federal Communications Commission  
Office of Secretary

MB Docket No. \_\_\_\_\_

RM No. \_\_\_\_\_

To: Secretary to forward to  
Assistant Chief (Allocations), Audio Division, Media Bureau

**PETITION FOR RULEMAKING**

Citicasters Licenses, L.P. ("Citicasters"), licensee of KSNR(FM),  
Channel 262C1, Thief River Falls, Minnesota (Facility ID No. 73625), by its  
attorneys and pursuant to Section 1.420(i) of the Commission's Rules, hereby  
respectfully petitions the Commission for modification of the Commission's Table of  
Allotments for FM Broadcast Stations (Section 73.202 of the Commission's Rules)  
to: (a) delete Channel 262C1 from Thief River Falls, Minnesota; (b) add  
Channel 262C1 to Fisher, Minnesota; and (c) modify the license of KSNR(FM) to  
specify operations on Channel 262C1 in Fisher, Minnesota, in lieu of operation on  
Channel 262C1 in Thief River Falls, Minnesota (collectively, the "Proposal").

In reviewing a proposed change to the FM Table of Allotments, the  
Commission asks whether the proposal would serve one or more of the

Commission's four allotment priorities. 1/ Here, grant of the Proposal would satisfy the third allotment priority by delivering a first local aural transmission service to Fisher, Minnesota.

Under any reading of Commission precedent, Fisher deserves its own local transmission service. The community of Fisher, a census-designated place, with a Census 2000 population of 435 residents, is not located in any urbanized area. 2/ The city's web site – <http://www.fishermn.com> – provides information about Fisher that evidences that the city is an independent community. 3/ For example, Fisher has its own elected government, including a mayor and city council. 4/ Fisher also provides other municipal services, including its own fire department, police department, and rescue squad. 5/ The recently-renovated Fisher Public School provides educational opportunities for students from kindergarten through their senior year of high school. 6/ In addition to these public indicia,

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1/ See *Parker & Port St. Joe R&O*, 11 FCC Rcd 1095 at ¶ 4 (1996). The four allotment priorities are: (i) one full-time aural reception service to a community; (ii) a second full-time aural reception service to a community; (iii) one local transmission service to a community; or (iv) other public interest factors. *Id.* The second and third criteria have equal priority.

2/ See U.S. Census Bureau, Census 2000, <http://www.census.gov/> (copy at Exhibit 1).

3/ See <http://www.fishermn.com>, a community website for the city of Fisher, Minnesota (copy at Exhibit 2).

4/ *Id.*

5/ See listings for Fisher, Minnesota in Yahoo! Yellow Pages at <http://yp.yahoo.com> (copy at Exhibit 3).

6/ See the homepage of the Fisher Public Schools website at <http://www.fisher.k12.mn.us> (copy at Exhibit 4).

Fisher has its own chamber of commerce and many private commercial establishments, including Fisher Farmers Co-Op Elevator; Farmer Co-op Fuel; Bremer Bank; Fisher Meats; Fisher Cenex C-Store (a convenience store); Wentzel's Greenhouse, Gardens & Gifts; Vasek Construction, Inc.; A&A Résumé (a résumé development company) and Wagner Landscaping. 7/ Fisher offers its own local gathering spot – the Fisher Café & Community Center – which is both a restaurant and a site where community groups can hold meetings. 8/ Fisher also has its own American Legion Post and at least three churches. 9/ Furthermore, Fisher is clearly a community separate and distinct from Grand Forks. The city's web site refers to Grand Forks only as a “neighboring community.” 10/ Fisher has its own zip code (56723) and post office, and a telephone area code – 218 – that is different from that of Grand Forks. 11/ In addition, Fisher is located in a different state than Grand Forks, with a different state government, a different statutory and regulatory code, different state courts, different state colleges, and a different state character. Accordingly, there can be no question that Fisher is its own community and is deserving of its own local aural transmission service.

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7/ See brochures provided by the Fisher Chamber of Commerce (copy at Exhibit 5) and Exhibit 6 (including series of attachments detailing Fisher's organizations and businesses).

8/ *Id.*

9 *Id.*

10/ See Exhibit 2.

11/ See Exhibit 7 (including zip code and area code information).

There is no reason to deny Fisher its first local aural transmission service. Although the proposed reallocation will be able to provide a 70 dBu signal to at least 50 percent of the Grand Forks, North Dakota, Urbanized Area, KSNR's *current* projected 70 dBu contour already encompasses at least 50 percent of that area. 12/ The Allocations Bureau has established that it will not extend its limited exception – the Huntington Doctrine – to the Commission's "first local transmission service" allotment priority to instances where the station being relocated to a new community already serves the relevant urbanized area. 13/ Accordingly, because KSNR already serves the Grand Forks Urbanized Area, the Commission has no reason to require a Huntington showing with regard to the proposed reallocation to Fisher. Moreover, grant of the Proposal will not deprive Thief River Falls of its sole local transmission service. Under the Proposal, Thief River Falls will continue to have four local FM transmission services, including one commercial FM service, and two AM stations. 14/

For all the foregoing reasons, the Commission should issue the appropriate Notice of Proposed Rule Making, and then approve the proposed

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12/ See Exhibit 8 (Technical Exhibit) at 4 (explaining that KSNR's predicted 70 dBu contour already includes 100% percent of the Grand Forks Urbanized Area).

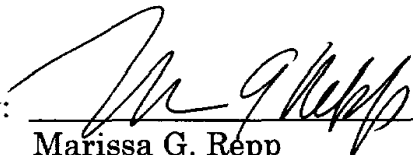
13/ See, e.g., *Memphis, Tennessee, Olive Branch and Horn Lake, Mississippi*, 17 FCC Rcd. 8789 at ¶ 3 (2002); *Greeley and Broomfield, Colorado*, 15 FCC Rcd 9419 at ¶ 2 (2000); *Kankakee and Park Forest, Illinois*, 16 FCC Rcd 6768 at ¶ 5 (2001); *East Los Angeles, Long Beach, and Frazier Park, California*, 10 FCC Rcd 2864 at ¶¶ 20-21 (1995) (noting no *Tuck* showing necessary when station currently serves relevant urbanized area).

14/ See *Broadcasting & Cable Yearbook 2003-2004* at D-259; Technical Exhibit at 3.

modifications of the Commission's Table of FM Allotments and KSNR's license pursuant to Section 1.420(i) of the Commission's Rules.

Respectfully submitted,

**CITICASTERS LICENSES, L.P.**

By:   
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Tarah S. Grant

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555 Thirteenth Street, N.W.  
Washington, DC 20004-1109  
Telephone: (202) 637-5600

Attorneys for Citicasters Licenses,  
L.P.

September 13, 2004

## **DECLARATION**

I, Jeff Littlejohn, declare as follows:

1. I am Senior Vice President, Engineering, of Citicasters Licenses, L.P. ("Citicasters"), the licensee of KSNR(FM), Channel 262C1, Thief River Falls, Minnesota.
2. Citicasters intends to apply for a construction permit for Channel 262C1 that will specify operations for KSNR in Fisher, Minnesota, upon adoption of the relevant Notice of Proposed Rule Making.
3. If awarded the construction permit for Channel 262C1 at Fisher, Minnesota, Citicasters promptly will construct and operate such facilities.

I hereby declare under penalty of perjury that the statements made in this declaration are true and accurate to the best of my knowledge, information and belief.



Jeff Littlejohn

September 13, 2004

**Exhibit 1**  
**U.S. Census Bureau Data**

**Exhibit 2**  
**Website for the City of Fisher**



**Exhibit 3**  
**Selected Listings from Yahoo! Yellow Pages**

**Exhibit 4**  
**Selected Pages from Fisher Public Schools Website**

**Exhibit 5**  
**Brochures from the Fisher Chamber of Commerce**

**Exhibit 6**  
**Fisher's Organizations and Businesses**

**Exhibit 7**  
**Fisher Zip Code and Area Code Information**

**Exhibit 8**  
**Technical Exhibit**

**Exhibit 1**  
**U.S. Census Bureau Data**

**Table DP-1. Profile of General Demographic Characteristics: 2000**

Geographic Area: Fisher city, Minnesota

[For information on confidentiality protection, nonsampling error, and definitions, see text]

Subject	Number	Percent	Subject	Number	Percent
<b>Total population</b> .....	<b>435</b>	<b>100.0</b>	<b>HISPANIC OR LATINO AND RACE</b>		
<b>SEX AND AGE</b>			<b>Total population</b> .....	<b>435</b>	<b>100.0</b>
Male.....	217	49.9	Hispanic or Latino (of any race).....	10	2.3
Female.....	218	50.1	Mexican.....	5	1.1
Under 5 years.....	28	6.4	Puerto Rican.....	-	-
5 to 9 years.....	30	6.9	Cuban.....	-	-
10 to 14 years.....	38	8.7	Other Hispanic or Latino.....	5	1.1
15 to 19 years.....	27	6.2	Not Hispanic or Latino.....	425	97.7
20 to 24 years.....	24	5.5	White alone.....	424	97.5
25 to 34 years.....	53	12.2	<b>RELATIONSHIP</b>		
35 to 44 years.....	73	16.8	<b>Total population</b> .....	<b>435</b>	<b>100.0</b>
45 to 54 years.....	53	12.2	In households.....	435	100.0
55 to 59 years.....	28	6.4	Householder.....	177	40.7
60 to 64 years.....	16	3.7	Spouse.....	92	21.1
65 to 74 years.....	35	8.0	Child.....	131	30.1
75 to 84 years.....	27	6.2	Own child under 18 years.....	106	24.4
85 years and over.....	3	0.7	Other relatives.....	8	1.8
Median age (years).....	37.1	(X)	Under 18 years.....	1	0.2
18 years and over.....	322	74.0	Nonrelatives.....	27	6.2
Male.....	160	36.8	Unmarried partner.....	14	3.2
Female.....	162	37.2	In group quarters.....	-	-
21 years and over.....	308	70.8	Institutionalized population.....	-	-
62 years and over.....	69	15.9	Noninstitutionalized population.....	-	-
65 years and over.....	65	14.9	<b>HOUSEHOLD BY TYPE</b>		
Male.....	27	6.2	<b>Total households</b> .....	<b>177</b>	<b>100.0</b>
Female.....	38	8.7	Family households (families).....	120	67.8
<b>RACE</b>			With own children under 18 years.....	51	28.8
One race.....	434	99.8	Married-couple family.....	92	52.0
White.....	429	98.6	With own children under 18 years.....	36	20.3
Black or African American.....	-	-	Female householder, no husband present.....	22	12.4
American Indian and Alaska Native.....	-	-	With own children under 18 years.....	12	6.8
Asian.....	-	-	Nonfamily households.....	57	32.2
Asian Indian.....	-	-	Householder living alone.....	47	26.6
Chinese.....	-	-	Householder 65 years and over.....	26	14.7
Filipino.....	-	-	Households with individuals under 18 years.....	55	31.1
Japanese.....	-	-	Households with individuals 65 years and over.....	50	28.2
Korean.....	-	-	Average household size.....	2.46	(X)
Vietnamese.....	-	-	Average family size.....	2.93	(X)
Other Asian <sup>1</sup> .....	-	-	<b>HOUSING OCCUPANCY</b>		
Native Hawaiian and Other Pacific Islander.....	-	-	<b>Total housing units</b> .....	<b>197</b>	<b>100.0</b>
Native Hawaiian.....	-	-	Occupied housing units.....	177	89.8
Guamanian or Chamorro.....	-	-	Vacant housing units.....	20	10.2
Samoan.....	-	-	For seasonal, recreational, or		
Other Pacific Islander <sup>2</sup> .....	-	-	occasional use.....	-	-
Some other race.....	5	1.1	Homeowner vacancy rate (percent).....	1.6	(X)
Two or more races.....	1	0.2	Rental vacancy rate (percent).....	25.0	(X)
<b>Race alone or in combination with one</b>			<b>HOUSING TENURE</b>		
<b>or more other races: <sup>3</sup></b>			<b>Occupied housing units</b> .....	<b>177</b>	<b>100.0</b>
White.....	430	98.9	Owner-occupied housing units.....	126	71.2
Black or African American.....	-	-	Renter-occupied housing units.....	51	28.8
American Indian and Alaska Native.....	1	0.2	Average household size of owner-occupied units.....	2.59	(X)
Asian.....	-	-	Average household size of renter-occupied units.....	2.14	(X)
Native Hawaiian and Other Pacific Islander.....	-	-			
Some other race.....	5	1.1			

- Represents zero or rounds to zero. (X) Not applicable.

<sup>1</sup> Other Asian alone, or two or more Asian categories.<sup>2</sup> Other Pacific Islander alone, or two or more Native Hawaiian and Other Pacific Islander categories.<sup>3</sup> In combination with one or more of the other races listed. The six numbers may add to more than the total population and the six percentages may add to more than 100 percent because individuals may report more than one race.

Source: U.S. Census Bureau, Census 2000.





**Legend**

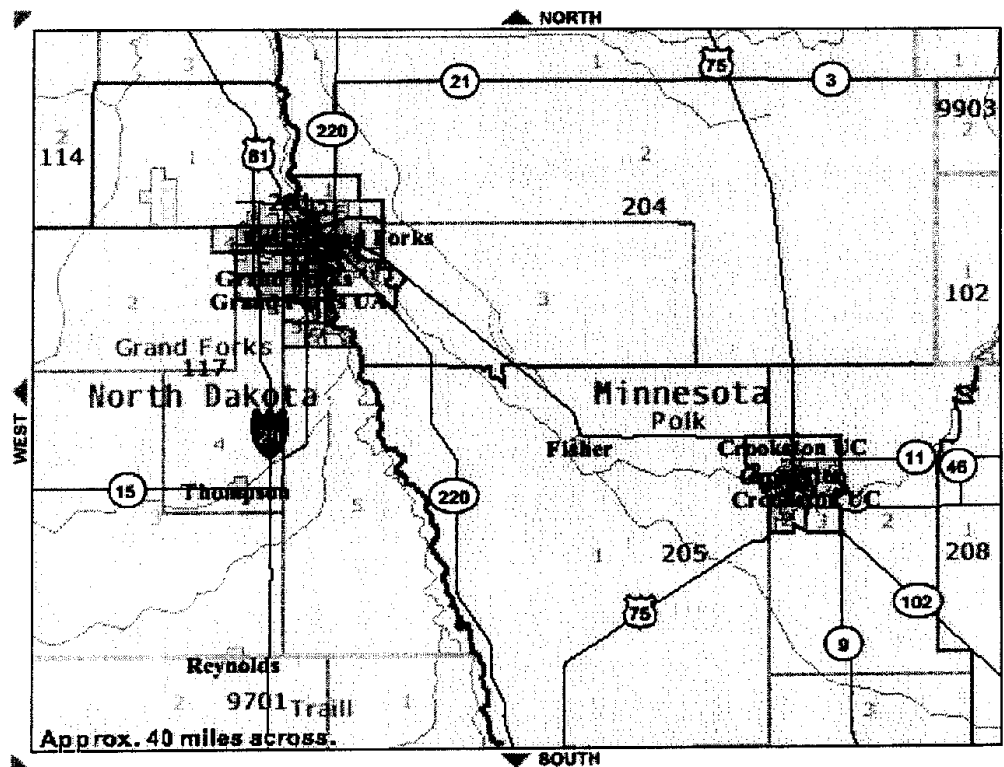
**Boundaries**

- State
- '00 County
- '00 Census Tract
- '00 Block Group
- '00 Block
- '00 Place
- '00 Place
- '00 Urban Area
- '00 Urban Area

**Features**

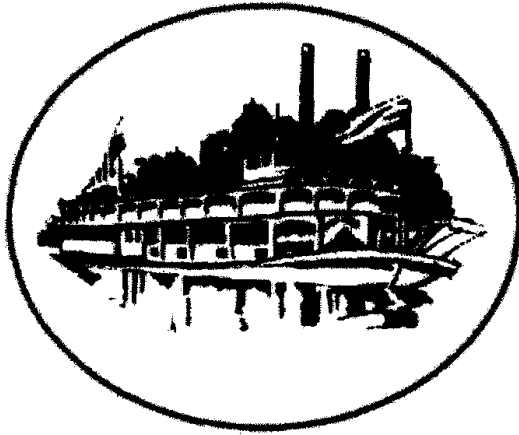
- Major Road
- Stream
- Stream/Waterbody
- Stream/Waterbody

Items in gray text  
are not visible  
at this zoom level



**Exhibit 2**  
**Website for the City of Fisher**

**fISHERMN.com**



Welcome to fISHERMN.com, a community website for the city of Fisher, Minnesota. Click on the above graphic to enter.

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# **FISHERMN.com**

## **About Fisher**

### Home

### Our Town

- [About Our Town](#)
- [Appointments](#)
- [Businesses](#)
- [Churches](#)
- [Housing](#)
- [Schools](#)

### City Council

- [Minutes](#)
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- [News Archive](#)

### Other

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- [Get E-mail](#)
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Fisher is located just off Hwy. 2 in the heart of the Red River Valley of northwestern Minnesota. A historical marker commemorating the old Fisher's Landing of the 1870's, the original townsite, stands County Road #15 on the west edge of the town. This was a river and railroad town where trains from St. Paul met the steamboats and exchanged people and goods on the Red Lake River.

Fisher is a pleasant town with nice homes and well-kept lawns. The city is growing as the small town life appeals to many people. It has become a commuter town with new homes, multiple style dwellings and new businesses. The population is about 500 with a steady increase.

The people here are friendly and the city offers many advantages. Stop in and meet us!

### **History: Fisher's Landing**

Fisher's Landing was named for Mr. Wm. Fisher, a civil engineer from St. Paul & Pacific Railway Company sent here to survey for the laying of the railroad track. It was rough frontier settlement located on the banks of the Red Lake River, several blocks west and north of the present downtown site of the city Fisher. It's location was determined by the landing of the steamboats that came down the Red and Red Lake Rivers. Originally, it was called shirttail Bend because a shirt tied on a stick warned the steamboats of a bend in the river. Boats traveled regular routes between Fisher's Landing and Winnipeg. Because Fisher's Landing was the head of navigation, the railroad tracks were laid to meet the boat traffic there in 1875. The fertile land of the area drew settlers. James J. Hill, the railroad magnate, believed it warranted the building of the railroad to this point. The town flourished, but with no organized local government it was a wide open place with much liquor and gambling. With the extension of Grand Forks, and the ever-changing river depths, river traffic declined and the village move site...up the riverbank to higher ground.

In 1895 the population of Fisher was about five-hundred and fifty people, a figure that decreased for a number of years, but then, in 1998, was back to approximately five hundred. The closeness to Grand Forks and East Grand Forks to the west and Crookston to the east has made it difficult for the city to encourage business, but the small town life is appealing to young families and it has grown, with many new homes built in the last decade.



Old Fisher's Landing in 1  
The steamboat "Manito



Steamboat "Manitoba" docking at  
banks of the Red Lake River, 1875.



There are no remaining buildings or artifacts from the old Fisher's Landing...flood waters to history books have recorded the importance of the terminus in those early pioneer days. A history is erected west of the city of Fisher on County Road #15 coming in from Highway 2. side of the road approaching the bridge over the Red Lake River. One can stand there and in heavily wooded area, which floods in the spring at high water time, and hear the whistle of coming 'round the bend, hear the toot of the wood-fired train engines and go back in time :

**Compiled by Arlene Wagner, Fisher, 1981. Polk County Historical Soc**

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**FISHERMN.com**

**2003 Appointments**

Home	<b>City Clerk/Treasurer</b>	Patti Lien
	<b>City Administrator</b>	Michael Moore
Our Town	<b>Official Newspaper</b>	The Exponent
-About Our Town	<b>City Attorney</b>	Odland Law Office
-Appointments	<b>Civil Defense Director</b>	Monte Ruch
-Businesses	<b>Health Officer</b>	County Coroner
-Churches	<b>Depository</b>	Bremer Bank
-Housing	<b>Acting Mayor</b>	Mike Marschall
-Schools	<b>Acting Clerk</b>	Bonnie Nygren
	<b>Fire Chief</b>	Aaron Merrill
City Council	<b>Temp. Asst. Fire Chief</b>	Jim Knox
-Minutes	<b>Police Commissioner</b>	Eddie Bowden
--Archive		
-News Archive		

**DEPARTMENT HEADS**

Other	<b>Department of Streets</b>	Mike Marschall
-Involvement	<b>Department of Buildnig &amp; Equipment</b>	Eddie Bowden
-Get E-mail	<b>Department of Insect Control</b>	Mike Marschall
-Contact	<b>Department of Refuse &amp; Recycling</b>	Zona Kaml
-Links	<b>Department of Grass &amp; Weed Control</b>	Zona Kaml
	<b>Department of Water &amp; Sewer</b>	Earl Beiswenger
	<b>Community Center Representative</b>	Bonnie Nygren

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**fishERMN.com**

***Local Business***

Home

**Bremer Bank** - Open till 12:30 weekdays. Phone: 891-4495

Our Town

**Cenex C-Store and Fuel** - 24 hour fuel with Credit Card & Pin, C-Store open till 10PM. Phone: 891-2325

-About Our Town

-Appointments

**Farmers Co-op Elevator**

-Businesses

-Churches

**Fisher Cafe & Community Center** - The best little café in the area. Unfortunately limited 891-2325

-Housing

-Schools

City Council

**Mike Vasek Construction** - Phone: 891-2430

-Minutes

**Brian Morken Construction**

--Archive

-News Archive

**United States Post Office**

Other

-Involvement

**Blue Marble Technology** - [Website](#), [Help Desk Website](#). Phone: 891-4357

-Get E-mail

-Contact

**Halstad Telephone Company** - [Website](#). Providing dialup, DSL & wireless Internet, telephony distance, and cable TV to Fisher and surrounding communities. Phone: 1-800-457-2125

-Links

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**fISHERMN.com**

***Local Churches***

Home

**Fisher Lutheran ELCA**

Our Town

**Trinity Lutheran Mo Synod** - Phone: 891-4581

-About Our Town

-Appointments

-Businesses

-Churches

-Housing

-Schools

**St. Francis Catholic** - Oldest Catholic Church in the Diocese.

City Council

-Minutes

--Archive

-News Archive

Other

-Involvement

-Get E-mail

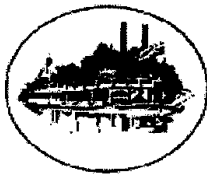
-Contact

-Links

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**fISHERMN.com**

***Housing***

[Home](#)

**Summerfield Place** - Attractive one and two bedroom apartments. Full size washer and dryer. Screened-in porch, microwave, dishwasher, garbage disposal, central air conditioning. Garage. Phone: 1-800-504-6093. [Website](#).

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